



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,430	10/12/2000	Christopher E. Walsh	35052/204373 (5052-53)	7095
826	7590	09/09/2003		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				EXAMINER LI, QIAN J
				ART UNIT 1632 PAPER NUMBER 22

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

Interview Summary	Application N . 09/689,430	Applicant(s) WALSH ET AL.
	Examiner Q. Janice Li	Art Unit 1632

All participants (applicant, applicant's representative, PTO personnel):

(1) Q. Janice Li, PTO.

(3)Murray Spruill, Kathryn Coulter, Appl. Rep.

(2) Anne Marie Wehbe, PTO.

(4)Kim Clary, Catherine Pollzzi, Tech. Consultants..

Date of Interview: 02 September 2003.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: Dwarki, Pittman, Robbins.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

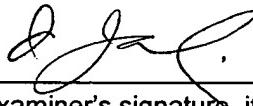
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

BEST AVAILABLE COPY

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants explained their opinion regarding the rejection under section 103, which could be summarized as a). None of the references relied on, particularly the Dwarki reference, teaches combining the enhancer with an AAV ITR promoter; b). The general state of the art is that AAV LTR alone would be insufficient for achieving therapeutic effect. The Examiners pointed out that Dwarki reference does not exclude using AAV ITR promoter alone, and that using an enhancer along with a weak promoter to enhance the gene expression would be obvious for the ordinary skilled in the art. The Examiners also pointed out that only claims 91 and 92 require therapeutic levels of FVIII expression, and applicants havn't shown that the vector in the prior art could not done so as Zhang reference indicated that AAV LTR could be used as a gene therapy vector. Applicants pointed out that Zhang reference actually used another promoter, AAV p5. Applicants will submit response addressing the discussed issues. And the Examiners will review the prosecution history and consider the arguments.

BEST AVAILABLE COPY